

ARKANSAS COURT OF APPEALS

EN BANC

No. CA08-1312

ESTEROSTO, LLC,

APPELLANT

V.

RANDY KINSEY AND DIANNA
KINSEY,

APPELLEES

Opinion Delivered 13 MAY 2009

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
[NO. CV2008-388]

HONORABLE TIM FOX, JUDGE

DISMISSED

PER CURIAM

In this quiet-title case, we must dismiss the appeal for lack of a final order. In 2008, Esterosto, LLC asked the circuit court to quiet title to four parcels of land purchased at tax sales. Esterosto named as defendants the four separate landowners, including Randy and Dianna Kinsey, and the Kinseys' former and current mortgagees, the Daniel Family Trust and Twin City Bank. The circuit court quieted title in Esterosto to three of the tracts but dismissed Esterosto's petition against the Kinseys for want of proper notice. Esterosto appeals from that dismissal. The finality problem arises because the court did not dismiss Esterosto's petition against Twin City Bank and the Daniel Family Trust, both of whom Esterosto served with process.

An order that adjudicates fewer than all claims against fewer than all parties is not a final order, absent a proper 54(b) certification. Ark. R. Civ. P. 54(b)(2).

Esterosto's claims against Twin City Bank and the Daniel Family Trust remain unresolved, and the court's order contains no 54(b) certificate permitting an appeal at this point. Therefore, the circuit court's order is not final, and we must dismiss Esterosto's appeal without prejudice. *Myers v. McAdams*, 366 Ark. 435, 236 S.W.3d 504 (2006).

If Esterosto re-files a timely appeal after entry of a final order, it must correct the current deficiencies in its addendum when it files its opening brief on appeal. The parties entered several exhibits into evidence, all of which are essential to our understanding of the case but none of which appear in Esterosto's addendum. In their stead, Esterosto has inserted pages that state the exhibits are "attached to the original transcript only." This is not sufficient. The exhibits should be copied and placed in the addendum. Ark. Sup. Ct. R. 4-2(a)(8).

Dismissed without prejudice.